



United States Department of Agriculture
Forest Service

Mitsubishi Cement Corporation South Quarry Project Record of Decision

Mountaintop Ranger District, San Bernardino National Forest, San Bernardino County, California
August 2020 Draft



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Draft Record of Decision
Mitsubishi Cement Corporation
South Quarry Project
U.S. Forest Service
Mountaintop Ranger District, San Bernardino
National Forest
San Bernardino County, California

Decision

Based on my review of the Mitsubishi Cement Corporation (MCC) South Quarry Project Environmental Impact Report/Environmental Impact Statement (EIR/EIS), I have decided to approve Phases 1 and 2 of Alternative 1 – Proposed Action, which includes the approval of the following: a Plan of Operations for Phases 1 and 2 of MCC’s South Quarry and associated reclamation. MCC’s submitted Plan of Operations included four phases (Phases 1 – 4) for the South Quarry, which were evaluated as Alternative 1 – Proposed Action in the EIR/EIS. For purposes of this decision, all four proposed phases evaluated in Alternative 1 – Proposed Action shall be referred to as the “Proposed Action”; and collectively, Phases 1 and 2 of the Proposed Action shall be referred to as the “2020 Approved Project.” Concurrently with approval of the 2020 Approved Project, I have decided to approve the following: (i) a project-specific Amendment to the San Bernardino National Forest (SBNF) Land Management Plan (LMP) for a reduction in the Scenic Integrity Objectives for the Project Area; and (ii) an administrative adjustment to the Carbonate Habitat Management Strategy (CHMS). This approval is conditioned on the 2020 Approved Project implementing all design features and mitigation measures as described in the EIR/EIS.

This approval is made in compliance with the National Environmental Protection Act (NEPA), and is conditioned on MCC fulfilling requirements associated with the following additional approvals and permits:

- **County of San Bernardino:** approval of the Reclamation Plan, minor revision to the Cushenbury Cement Mine and Reclamation Plan, certification of the EIR in accordance with the California Environmental Quality Act (CEQA), and adoption of the Findings and Statement of Overriding Considerations; and
- **U.S. Fish and Wildlife Service:** Completion of Section 7 Consultation under the Endangered Species Act.
- **California Department of Fish and Wildlife:** Prior to commencement of any activities resulting in impacts to acreage under the jurisdiction of the California Department of Fish and Wildlife, MCC shall obtain a Streambed Alteration Agreement for the elements of the Proposed Action that will impact acreage under CDFW jurisdiction.

This approval is conditioned, in part, on a withdrawal from mineral location and entry as submitted by the SBNF to the Secretary of the Interior, through the Bureau of Land Management, to implement the Carbonate Habitat Management Strategy (CHMS) (Carbonate Habitat Management Withdrawal). The portion of the 2020 Approved Project that would impact habitat for the threatened and endangered plant species as described in the EIR/EIS (Chapter 3.3) shall not be implemented if specified design features and mitigation measures to protect and offset impacts to those plants, including the mineral withdrawal, are not in place. Alternatively, the mineral withdrawal could be implemented through a legislative withdrawal through an act by the U.S. Congress.

Prior to commencement of any activities resulting in impacts related to biological resources that will be mitigated in part through a withdrawal of mineral rights, MCC shall obtain the following additional approval:

- **Secretary of the Interior or Congressional Action:** withdrawal of mineral rights on approximately 3,055 acres of land.

Background

MCC operates the Cushenbury Cement Plant and two existing limestone quarries (the East Pit and West Pit) in the Cushenbury area approximately 6 miles south of the community of Lucerne Valley in San Bernardino County, California.

The Cushenbury area has been mined since 1861, and limestone mining has occurred since the early 1950s. In 1988, MCC acquired the Cushenbury Cement Plant and the existing East Pit from Kaiser Cement Corporation. In 1999, planning to identify a source of limestone to replace diminishing reserves in the East Pit was initiated. The West Pit project required approval of a Mine Reclamation Plan (2004 M-001) by the County of San Bernardino and associated California Environmental Quality Act review, which was completed in 2004.

MCC's Cushenbury Cement Plant requires a limestone feed of approximately 2.6 million tons per year (MTPY) of a specific blend of different qualities of limestone to manufacture cement. In 2004, the County of San Bernardino approved the West Pit on 191 acres to the west of MCC's existing East Pit. Geologic reconnaissance during completion of the final plans for the West Pit confirmed the projected supply of low-grade limestone, but also identified a shortage of the anticipated high-grade material needed for cement production. Analysis of samples gathered during a drilling program south of the existing MCC facilities confirmed both quality and quantity of the high-grade limestone resource in the location of the proposed South Quarry. After that geologic reconnaissance, MCC proposed to develop and reclaim a new high-grade limestone quarry to the south of its existing East Pit, its West Pit, and its existing Cushenbury Cement Plant in its proposed South Quarry.

MCC identified that the most efficient and effective means to continue Cushenbury Cement Plant operations would be to combine low-grade material from the West Pit with high-grade material from the proposed South Quarry at a ratio of approximately 1:1 to meet the limestone specifications necessary to feed the Cushenbury Cement Plant. Current estimates project that the West Pit, if combined with high-grade material, could feed the cement plant for approximately 120 years.

In November 2010, MCC submitted a Plan of Operations and Reclamation Plan for the South Quarry to the Forest Service and to the County. A revised application was submitted in July 2011

and the Plan of Operations and Reclamation Plan was revised in January 2012 in response to Forest Service and County comments. A revised Plan of Operations and Reclamation Plan with updated dates was submitted in May 2020.

To develop the Proposed Action, MCC proposed a project in its Plan of Operations, which was evaluated as Alternative 1 – Proposed Action in EIR/EIS. The Proposed Action, would total approximately 153.6 acres of disturbed areas, consisting of a 128-acre quarry, a 2.7-acre landscape berm, a 22.2-acre haul road 1.8 miles in length, and a temporary construction road of 0.7 acre. The South Quarry and haul road would be located almost entirely (147 acres) on 440 acres of unpatented claims owned by MCC on public federal land in the SBNF with approximately 6.6 acres of the haul road located on MCC fee land where it enters the existing East Pit. Alternative 1 – Proposed Action would excavate a total of approximately 174.0 million of tons of material (ore reserves and waste rock). MCC proposed to operate the South Quarry under the Proposed Action for 120 years for a total of four phases, as summarized below in Table 1.

Under the Proposed Action, MCC proposed to operate the South Quarry in four phases for approximately 120 years because the current estimates project that the South Quarry, in combination with the West Pit, could feed the cement plant for approximately 120 years. Based on those current estimates, it will take approximately 120 years for MCC to fully exhaust its limestone resources in both the South Quarry and the West Pit to provide the Cushenbury Cement Plant with the adequate feed specifications. Approximately 84 percent of the South Quarry's ground disturbance will occur in Phases 1 and 2, while Phases 3 and 4 allow for deeper excavation. For the Proposed Action, the EIR/EIS recognized that mining operations will experience unscheduled interruptions and/or phasing changes due to various market and economic demands and variation in slopes and material quality beyond MCC's control because the natural deposit is not of uniform quality. It may be necessary, therefore, for MCC to excavate selectively from different locations within the quarry to achieve a suitable blend of raw materials.

Under the Proposed Action, reclamation would occur concurrently with each phase. In addition, five years of active reclamation and revegetation would occur in accordance with the California Surface Mining and Reclamation Act (SMARA) at the conclusion of excavation in each area of the mine, followed by revegetation monitoring and remediation until revegetation performance standards are achieved. Until the ultimate exhaustion of the limestone deposit, reclamation would progress in accordance with SMARA and the Reclamation Plan approved by the County of San Bernardino. The County has approved the Reclamation Plan for all four phases of the Proposed Action, as evaluated in the EIR/EIS.

Table 1
Planned Quarry Phasing and Production for the Proposed Action

Phase	Area¹ (acres)	Cumulative Area¹ (acres)	Total Material Excavated (millions of tons)^{2,3,4}	Ore Reserves (millions of tons)^{2,3}	Waste Rock (millions of tons)^{2,3}	Max. Depth (feet amsl)	Years of Operation⁵
1A	11	11	5.1	4.5	0.5	5,860 ⁶	3.5

Phase	Area¹ (acres)	Cumulative Area¹ (acres)	Total Material Excavated (millions of tons)^{2,3,4}	Ore Reserves (millions of tons)^{2,3}	Waste Rock (millions of tons)^{2,3}	Max. Depth (feet amsl)	Years of Operation⁵
1B	32	43	32.1	28.8	3.2	6,130 ⁶	22.0
2	65	108	21.0	18.8	2.2	6,220 ⁶	14.5
3	12 ⁵	120	58.0	52.0	6.0	5,905	40
4	8 ⁵	128	58.0	52.0	6.0	5,365	40
Total	128	128	174.0	156.0	18.0	5,365	120

Notes:

¹Area has been rounded to the nearest whole acre. Totals may be slightly different due to rounding.

²Millions of tons rounded to the nearest tenth.

³Waste rock estimated at 0.15 million tons per year or approximately 10 percent, which would vary depending on area being excavated.

⁴Years of operation based on average ore production of 1.3 million tons per year.

⁵Phases 3 and 4 areas are generally deeper excavations within the previously disturbed Phase 2 area, except for the north slope area.

⁶Phases 1A, 1B and 2 are distinct separate areas with varied excavation depth.

The EIR/EIS also evaluated Alternative 2 – Partial Implementation, which would construct the same haul road as evaluated under the Proposed Action, and would implement Phases 1A, 1B, and 2 of the Proposed Action over 40 years. The EIR/EIS also evaluated the No Action/No Project Alternative as Alternative 3, which would not approve development of any phases of the South Quarry as described under alternatives 1 or 2. However, under all three alternatives evaluated in the EIR/EIS, the existing cement plant is anticipated to be operated for 120 years based on the projected reserves in the West Pit. Accordingly, for Alternative 2 – Partial Implementation and Alternative 3 – No Action/No Project, the EIR/EIS evaluated obtaining limestone from elsewhere in the region for the years in which the South Quarry is not in operation under those alternatives. Two sites in California and one site in Nevada have been identified as potential off-site sources of high-grade limestone. Trucks would likely access the cement plant using local roads through Lucerne Valley. Approximately 52,000 haul truck trips per year would be required, assuming import of 1.3 million tons per year of high-grade limestone using 25-ton on-road trucks (approximately 150 truck trips per day assuming deliveries 350 days per year).

The purpose and need for the action is to respond to MCC's Plan of Operation to mine high-grade limestone in an area where MCC has a possessor interest in unpatented mining claims pursuant to laws and regulations governing mining on National Forest lands. For the reasons provided below, this Record of Decision is approving Phases 1 and 2 of Alternative 1 – Proposed Action, referred to herein as the 2020 Approved Project.

While this decision to approve the 2020 Approved Project will allow MCC to operate the South Quarry for Phases 1 and 2 as evaluated under the Proposed Action, MMC desires to continue operating the South Quarry for all four phases evaluated under the Proposed Action. The EIR/EIS fully evaluated the environmental impacts of mining the South Quarry for 120 years under the Proposed Action, and responded to all public comments made on the Draft EIR/EIS related to the 120-year project. Accordingly, all of the analysis and conclusions in the EIR/EIS for the Proposed Action encompass the analysis and conclusions for the 2020 Approved Project (Phases 1 and 2). All project design features and mitigation measures evaluated in the EIR/EIS for the Proposed Action will be the same for the 2020 Approved Project. If there is no new information or no changed circumstances as evaluated in the EIR/EIS near the end of Phase 2, Phases 3 and 4 of the Plan of Operations may be proposed and approved based on the analysis in the EIR/EIS and with

the proper documentation as needed pursuant to NEPA regulations and Forest Service Policy in place at the time. As approximately 84 percent of the South Quarry's ground disturbance will occur in Phases 1 and 2 while Phases 3 and 4 allow for deeper excavation, the documentation needed to approve Phases 3 and 4 of the Plan of Operations pursuant to the NEPA regulations and Forest Service Policy in place at the time may be limited in scope to reviewing the potential impacts of deeper excavation from Phases 3 and 4 along with a smaller area of ground disturbance. If new information or changed circumstances arise that result in new or unforeseen effects during Phases 3 and 4, or significantly increased severity of effects, the SBNF will address those circumstances as needed pursuant to NEPA regulations and Forest Service Policy in place at that time.

Decision Rationale

I reached my decision to approve the 2020 Approved Project after reviewing the EIR/EIS, the Project Design Features and Mitigation Measures, and Plan of Operations, record for the Proposed Action, the San Bernardino National Forest Land Management Plan, as well as other applicable regulations, policies and plans. I also carefully considered public input and communications with other local, State, tribal and Federal agencies.

While MCC's purpose in proposing the Proposed Action is driven by MCC's full exhaustion of its claims to develop valuable mineral deposits, Forest Service policy forms the basis of my decision. It is Forest Service policy to encourage, facilitate and administer the orderly exploration, development and production of mineral resources and energy resources on National Forest System Lands to help meet the present and future needs of the Nation. This mineral management policy direction exists in the context of laws, regulations and policies that guide and define Forest Service management of public lands for multiple uses, biodiversity and sustainability, for current and future generations.

Future New Information and Changed Circumstances: It is my expectation that, over the life of this 2020 Approved Project, if new information or changed circumstances arise that result in new or unforeseen 2020 Approved Project effects to the environment, or significantly increased severity of effects, the SBNF will address as needed pursuant to NEPA regulations and Forest Service Policy.

With regard to the Carbonate Habitat Mineral Withdrawal, it is my intent that the SBNF will request and support the Bureau of Land Management (BLM) in periodic renewals as needed to keep the withdrawal in effect indefinitely. It is also my understanding that under BLM policy and practice, withdrawals such as the Carbonate Habitat Mineral Withdrawal, are routinely renewed and extended as long as the circumstances for which the withdrawals were initially approved have not changed at the time the withdrawal periods expire. If the withdrawal temporarily lapses at some future date, operations of the 2020 Approved Project that would impact habitat for the threatened and endangered plant species as described in the EIR/EIS (Chapter 3.3.) could not proceed until the withdrawal is renewed. Once the withdrawal is renewed, such operations of the 2020 Approved Project could proceed as fully evaluated in the EIR/EIS. If the withdrawal permanently lapses at some future date, that would be a changed circumstance that would trigger a review of documentation under NEPA and potentially re-initiation of consultation under the Endangered Species Act.

The Carbonate Habitat Mineral Withdrawal will implement an element of the CHMS, which was developed by the SBNF along with partners including the Bureau of Land Management (BLM), the County of San Bernardino, mining interests and environmental interests. The CHMS provides

for a uniform process for determining the requirements for environmental protection as part of mining and reclamation plans specifically for limestone and calcium carbonate mines of the north-eastern San Bernardino Mountains.

As evaluated in the EIR/EIS, the 120 years of operations as set forth in the Proposed Action, including approximately 40 years of operations in the 2020 Approved Project, is consistent with the CHMS. CHMS is a voluntary program and imposes no regulatory or legal burden on existing claims and property owned by private interests. The CHMS provides a framework for obtaining Federal Endangered Species Act (ESA) compliance for impacts to carbonate endemic plant species resulting from mining operations. Because certain habitat reserve contributions within the Furnace Unit have not occurred (with the Furnace Unit, therefore, not being 'Activated'), MCC is unable to avail itself of the streamlined ESA compliance process provided by the CHMS. Accordingly, impacts to endangered plant species were evaluated on a species-by-species basis and covered under formal consultation with the US Fish and Wildlife Service under the Endangered Species Act. An analysis of the environmental effects of the Proposed Action was documented in the EIR/EIS Chapters 3 and 4. All design features and mitigation measures from the Proposed Action are incorporated into the 2020 Approved Project (see Section 2.3.2.13 of the EIR/EIS).

As mitigation for impacts, the Proposed Action includes preservation of approximately 540.4 acres of land in the form of fee property transferred to the Forest Service for inclusion in and relinquishment of unpatented mining claims accompanied by a mineral withdrawal to prevent future impacts to the plants and plant habitat. The 2020 Approved Project also includes the preservation of the 540.4 acres and may be relied upon by MCC if in the future, mine operations are extended to include phases 3 and 4. The EIR/EIS concluded that mitigation for the Proposed Action will result in contributions to the Carbonate Habitat Reserve, on an approximately 3 to 1 ratio, consistent with the provisions of the CHMS. Based on that ratio, that mitigation will result in sufficient contributions to the Carbonate Habitat Reserve, consistent with the CHMS.

My decision to approve this 2020 Approved Project is consistent with the following laws, regulations, and policies:

- The General Mining Law of 1872 conferred a statutory right for claimants to enter upon public lands open to location, stake mining claims in pursuit of locatable minerals, and conduct mining activities in compliance with Federal and State statutes and regulations.
- The 1897 Organic Administration Act grants the Secretary of Agriculture the authority to regulate the occupancy and use of National Forest System lands. It provides the public with continuing rights to conduct mining activities under general mining laws and in compliance with rules and regulations applicable to National Forest System lands. It also recognizes the rights of miners and prospectors to access National Forest System lands for prospecting, locating, and developing mineral resources.
- The Multiple-Use Mining Act of 1955 confirms the ability to conduct mining activities on public lands, locate necessary facilities, and conduct reasonable and incidental uses to mining on public lands, including National Forest System lands.
- The Multiple-Use Sustained-Yield Act of 1960 requires that National Forest System lands be administered in a manner that includes consideration of relative values of various resources as part of management decisions. Furthermore, it specifies that nothing in the act be construed to affect the use of mineral resources on National Forest System lands.

- The 1970 Mining and Minerals Policy Act established the Federal Government’s policy for mineral development “to foster and encourage private enterprise in the development of economically sound and stable industries and in the orderly development of domestic resources to help assure satisfaction of industrial, security, and environmental needs.”
- Forest Service mining regulations at 36 CFR 228 Subpart A, which provides direction on the administration of locatable mineral operations on National Forest System lands. Under 36 CFR 228.5, the Forest Service must decide whether to approve the Plan of Operations as submitted by MCC or to require changes or additions that are necessary for the Plan of Operations to meet the requirements of the regulations for environmental protection in 36 CFR 228.8. These include conducting all operations so as to, where feasible, minimize adverse environmental impacts on National Forest surface resources including:
 - Compliance with Federal and State air quality standards including the requirements of the Clean Air Act, as amended (42 United States Code [USC] 1857 et seq.).
 - Compliance with applicable Federal and State water quality standards, including regulations issued pursuant to the Federal Water Pollution Control Act, as amended (33 USC 1151 et seq.).
 - Compliance with applicable Federal and State standards for the disposal and treatment of solid wastes.
 - To the extent practicable, harmonizing operations with scenic values through such measures as the design and location of operating facilities, including roads and other means of access, vegetative screening of operations, and construction of structures and improvements which blend with the landscape.
 - Taking all practicable measures to maintain and protect fisheries and wildlife habitat that may be affected by the operations.
 - Constructing and maintaining all roads so as to assure adequate drainage and to minimize or, where practicable, eliminate damage to soil, water, and other resource values.
 - Reclamation of the surface disturbed in operations upon exhaustion of the mineral deposit or at the earliest practicable time during operations, or within 1 year of the conclusion of operations, unless a longer time is allowed by the authorized officer.
- With regard to mining, the SBNF LMP provides the following direction:
 - Emphasize processing and administration of exploration and development proposals and operations while providing adequate protection of surface resources, wildlife habitat, scenery and recreation settings. (ME 1 – Minerals Management)
 - Permits, leases, and Plans of Operation will require that adverse environmental effects are minimized, or mitigated, and that mined lands are reclaimed in a timely manner to regain surface production and use. Reasonable access for approved mineral operations will be allowed. The emphasis will be consistent with the requirements of the Carbonate Habitat Management Strategy to sustain mineral production by providing refugia for resource protection. (ME 1- Minerals Management and Lands 4 – Mineral Withdrawals)
 - Staff expect to increase the carbonate plant habitat reserve by approximately 2,600 acres through land acquisition or exchange, allowing for future mining in other areas” (Lands 1 – Land Ownership Adjustment)

- The 2020 Approved Project is located in the Desert Rim Place. The SBNF LMP's Desired Condition for the Desert Rim Place is "maintained as a modified to natural appearing landscape that functions as a sanctuary for a large number of federally-listed native plants and a highly valued area for limestone production".
- North Slope Raptor Conservation Strategy (2020)
- North Slope San Bernardino Mountains Bighorn Sheep Conservation Strategy (2020).

There are numerous other Federal, State, and local law, regulations, executive orders, guidelines, policies and plans that are part of the 2020 Approved Project design criteria. The following list identifies some, but not all, of the additional regulations that I considered during the decision making process:

- National Environmental Policy Act (NEPA);
- California Environmental Quality Act (CEQA);
- California Surface Mining and Reclamation Act (SMARA)
- County of San Bernardino General Plan (2012);
- Endangered Species Act (ESA);
- Clean Water Act (CWA);
- Federal Water Pollution Control Act;
- Clean Air Act;
- Resource, Recovery and Control Act (RCRA);
- National Historic Preservation Act;
- Native American Graves and Repatriation Act;
- Archeological Resource Protection Act;
- Executive Order 11593 (cultural resources);
- Executive Order 13186 (Migratory Bird Treaty Act);
- Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments);
- Mojave Desert Air Quality Management District Rules and Regulations;
- Federal Conformity;
- Federal Land Manager Air Quality Related Values;
- Greenhouse Gas regulations;
- California State Water Resources Control Board Rules and Regulations;
- Regional Water Quality Control Board Rules and Regulations; and
- Porter-Cologne Water Quality Control Act.

I reviewed the evaluation of the potentially significant environmental impacts and the proposed project design features and mitigation measures (EIR/EIS Sections 2.3.2.13 and Appendix A of this Record of Decision (ROD)) along with the project design features already incorporated into the 2020 Approved Project. In addition to the identified potential environmental impacts and mitigation measures, the Federal, State and local regulations, conservation strategies and policies, as well as the goals, purpose and need for the proposed action described above were considered and taken into account when making my decision. I determined that these measures addressed all

practical means to avoid, minimize, or offset environmental harm from the 2020 Approved Project.

The Mitsubishi Cement Corporation South Quarry EIR/EIS documents the environmental analysis and conclusions upon which this decision is based. Based on the analysis provided in the Final EIR/EIS, I find that the 2020 Approved Project:

- Meets the purpose and need;
- Was evaluated based on the best available scientific information to consider significant issues and adverse environmental effects; and
- Has incorporated all practicable means to avoid or minimize environmental harm from implementation of the 2020 Approved Project.
- Is environmentally preferable (per 40 CFR 1505.2(b)), relative to Alternatives 1 and 2.

Public Involvement

The public review process for the EIR/EIS included the following opportunities:

- A Notice of Intent (NOI) to prepare an EIR/EIS was prepared for the Proposed Action by the Forest Service and published in the Federal Register on February 22, 2012 (Federal Register Volume 77, Number 35, p.10472). Publication of the NOI in the Federal Register began a 44-day comment period that ended April 6, 2012. Additionally, the County prepared a Notice of Preparation (NOP) and Initial Study for the Proposed Action and circulated to all responsible agencies and interested parties, including the California State Clearinghouse, beginning on March 5, 2012. The NOI and NOP was mailed to the agencies, organizations and individuals on both the Forest Service and County mailing lists.
- The NOI was also published as a legal notice in San Bernardino's *The Sun* on March 5, 2012. The NOP was published in daily publications of San Bernardino's *The Sun* and the Victorville *Daily Press* on March 5, 2012. The NOP was also published on March 7, 2012, in the weekly publications of the Big Bear Grizzly and the Lucerne Valley *Leader*.
- Copies of the scoping notices, Initial Study, and proposed Plan of Operations and Reclamation Plan were posted to the agency websites.
- Two public scoping meetings were held to provide the public and government agencies the opportunity to receive information on the CEQA/NEPA process and the Proposed Action as well as provide verbal and written comments. The first public Scoping Meeting was held on March 13, 2012, at the Lucerne Valley Community Center, and a total of 7 attendees signed the voluntary sign-in sheet at that meeting. The second public scoping meeting was held on March 20, 2012 at the Big Bear Discovery Center, and a total of 18 attendees signed the voluntary sign-in sheet at that meeting.
- The Notice of Availability (NOA) for the Draft EIR/EIS was filed at the San Bernardino County Clerk and California State Clearinghouse on December 15, 2016, and published in the San Bernardino *Sun* on December 19, 2016, reflecting a February 1, 2017 end period for the public comment period. The NOA was published in the Federal Register on December 30, 2017, which extended the public comment period to February 13, 2017 (Federal Register Volume 81, Number 251, p. 96451). A corrected NOA was published in the San Bernardino County *Sun* on January 11, 2017, notifying the public of the extended comment period. The NOA was posted on both the County's and Forest Service's Internet websites, along with links to download the Draft EIR/EIS.

- In addition, notices were sent to the agencies, organizations and individuals on the County and Forest Service mailing lists posted in the San Bernardino County *Sun*.
- The Draft EIR/EIS was circulated for review and comment between December 19, 2016 and February 13, 2017.
- The Draft EIR/EIS was made available for public review at both the San Bernardino and Fawnskin SBNF field offices, as well as the County Planning Division offices in San Bernardino and at the Lucerne Valley Branch Library and Big Bear Lake Branch Library. The Draft EIR/EIS was also available on both the Forest Service's and County's internet websites.
- Copies of the Draft EIR/EIS were provided, upon request, to responsible, trustee, and other federal, state, and local agencies expected or known to have expertise or interest in the resources that the Proposed Action may affect, as well as to organizations and individuals.
- In addition, the proposed action was listed in the San Bernardino National Forest Schedule of Proposed Actions (SOPA) and updated periodically during the analysis. People were invited to review and comment on the proposal through mailings, news releases, and two public meetings. The EIR/EIS lists agencies and people consulted, and who received copies in Appendix A-1.
- A Final EIR/EIS was prepared and posted to the County's and Forest Service's websites.

The following issues were identified from scoping comments and were used to determine the scope of the analysis. A full description of issues significant to Proposed Action appears in the Executive Summary (pages i through xxiii):

- **Air Quality** – Mining activities, including excavation and on-site vehicle haul trips, have the potential to impact air quality.
- **Biological Resources** – There are listed, endangered and special-status species as well as unique habitats such as the carbonate soil habitat in the Proposed Action area. The mining operations potentially could impact sensitive species and/or their habitat.
- **Cultural/Heritage Resources** – Mining activities, including excavation and on-site vehicle haul trips, have the potential to impact cultural/heritage resources.
- **Geology, Soils, and Mineral Resources** – The quarry could present impacts related to geology, soils, and mineral resources due to substantial soil erosion or loss of topsoil or stability that could result in offsite landslide, lateral spreading, subsidence, liquefaction or collapse.
- **Greenhouse Gases** – Mining activities, including excavation and on-site vehicle haul trips, have the potential to impact greenhouse gases.
- **Hazards and Hazardous Materials** – Mining activities, including blasting during excavation and the use of equipment-related fuels, oils, and lubricants, have the potential to have impacts related to hazards and hazardous materials.
- **Hydrology and Water Quality** – There is the potential that groundwater and surface water quality could be affected by the mining operations.
- **Noise** – Mining activities, including excavation and on-site vehicle haul trips, have the potential to have impacts related to noise.
- **Recreation** – Mining activities, including excavation and on-site vehicle haul trips, have the potential to have impacts related to recreation.

- **Scenery Resources** – Depending on the given location of a viewer, portions of the Proposed Action site may be visible to the public. Considering that the Proposed Action is located in the SBNF, there is concern that impacts on viewsheds from within the SBNF could be significant.

Specific issues related to these categories are detailed in Appendix A-1 of the EIR/EIS.

Alternatives Considered

The EIR/EIS identified and evaluated three (3) alternatives as discussed below. I have decided to implement Phases 1 and 2 of Alternative 1 – Proposed Action. In addition to the Proposed Action (Alternative 1) and the 2020 Approved Project, I considered the following two alternatives discussed below. A more detailed comparison of these alternatives can be found in the EIR/EIS Section 2.3. I also considered eight additional alternatives that were identified but eliminated from further evaluation because they were outside of the scope of the Proposed Action, would lead to similar environmental impacts as the alternatives considered in detail, were duplicative of the alternatives considered in detail, were infeasible, or were determined to cause unnecessary environmental harm. A more detailed comparison of these alternatives can be found in the EIR/EIS in Section 2.6.

Alternative 2 – Partial Implementation

This alternative was developed in response to public comments requesting an alternative with a shorter duration and/or smaller footprint. Alternative 2 – Partial Implementation, would only implement Phases 1A, 1B, and 2 of the Plan of Operations. The sequence of mining in these phases would be the same as in Alternative 1 – Proposed Action. This alternative was developed in response to public comments requesting an alternative with a shorter duration and/or smaller footprint. Mining of the north slope, which is proposed in Phases 3 and 4 of the Proposed Action, would not occur; therefore, the footprint of the quarry would be approximately 20 acres smaller. With this alternative, the final quarry would also not be as deep as with the Proposed Action. Mining in the quarry would last approximately 40 years rather than approximately 120 years. As with the Proposed Action, reclamation activities would be initiated as mining is completed in each part of the quarry. Reclamation of Phases 1A, 1B, and 2 is expected to occur on the same schedule as the Proposed Action.

With this alternative, the higher-grade limestone would still be required for cement plant operations. This limestone would be obtained from elsewhere in the region and trucked to the cement plant after Phase 2 is completed (approximately year 41 through year 120). Trucks would likely access the cement plant using local roads through Lucerne Valley. Approximately 52,000 haul truck trips per year would be required, assuming import of 1.3 million tons per year of high-grade limestone using 25-ton on-road trucks (approximately 150 truck trips per day assuming deliveries 350 days per year). Three alternative sites for high grade limestone have been identified, two in California and one in Nevada.

I did not select this alternative for the following reasons:

- Under Alternative 2 – Partial Implementation, MCC would obtain limestone from elsewhere in the region after Phase 2 is complete to continue cement operations, resulting in additional offsite truck trips as compared to Alternative 1 – Proposed Action. As such, Alternative 2 – Partial Implementation leads to greater environmental impacts related to air quality and greenhouse gas emissions as compared to Alternative 1 – Proposed Action.

In addition, Alternative 2 – Partial Implementation does not allow for MCC to exhaust its mineral resources fully in the South Quarry and West Pit. Accordingly, approving Alternative 2 – Partial Implementation would not promote Forest Service policy to encourage, facilitate and administer the orderly exploration, development and production of mineral resources and energy resources on National Forest System Lands as much as Alternative 1 – Proposed Action would promote that policy. Nonetheless, Alternative 2 – Partial Implementation received consideration because mining would be approved for 40 years instead of 120 years, and a 40-year timeframe is more consistent with the term of years for plans of operations for mining operations that have been approved across the country on Forest Service lands.

Alternative 3 – No Action/No Project

With Alternative 3 – No Action/No Project, MCC would not develop the limestone deposit in the South Quarry under the current Plan of Operations. However, the existing Cushenbury Cement Plant would continue to operate. The ore reserves in the West Pit, when blended with high grade ore, are sufficient to feed the cement plant for approximately 120 years. Therefore, it is assumed that higher-grade limestone for blending would be trucked to the plant from elsewhere in the region during that 120-year period. Trucks would likely access the cement plant using local roads through Lucerne Valley. Approximately 52,000 haul truck trips per year would be required, assuming import of 1.3 million tons per year of high-grade limestone using 25-ton on-road trucks (approximately 150 truck trips per day assuming deliveries 350 days per year). Two sites in California and one site in Nevada have been identified as potential off-site sources of high-grade limestone.

Alternatives 1 and 2 include measures sufficient to avoid, minimize or offset significant impacts to the environment while also developing locatable mineral resources. Therefore, selection of the no action alternative is not warranted and would not meet the purpose and need.

I am approving Phases 1 and 2 of Alternative 1 – Proposed Action, for the following reasons:

The Proposed Action, fully meets the applicable USFS policies and code requirements for a plan of operations, and was fully evaluated in the EIR/EIS. However, the 1970 Mining and Minerals Policy Act established the Federal Government's policy for mineral development "to foster and encourage private enterprise in the development of economically sound and stable industries and in the orderly development of domestic resources to help assure satisfaction of industrial, security, and environmental needs." Thus, to provide for the orderly development of domestic resources nationwide and to be consistent with the term of years typical for plans of operations for mining operations approved by the Forest Service across the country, I decided to approve Phases 1 and 2 of Alternative 1 – Proposed Action for the term of 40 years. In the case of the mining of locatable minerals, there are certain rights under the mining laws of the US that make this action alternative different than typical Forest Service projects. The Forest Service does not have the authority to deny access to mine valuable and properly discovered and claimed minerals on public domain land. As described under 36 CFR § 228A, the Forest Service does have authority to require measures and provisions under the mining plan as needed for environmental protection, and the mining plan of operations is subject to Forest Service approval. Approval by the Forest Service responsible official is subject to the provisions of NEPA, ESA, and all other laws, regulations and policy pertaining to Forest Service decision-making.

I am approving Phases 1 and 2 of Alternative 1 – Proposed Action as the 2020 Approved Project rather than Alternative 2 – Partial Implementation because the 2020 Approved Project realistically

reflects the manner in which the South Quarry will likely be mined over the long term. As phases 1 and 2 near completion, I expect MCC will likely seek to implement Phases 3 and 4 as evaluated in the Proposed Action to allow MCC to fully exhaust its limestone resource in both the South Quarry and West Pit to provide the Cushenbury Cement Plant with adequate feed specifications for 120 years. As Alternative 2 – Partial Implementation does not include Phases 3 and 4 and assumes obtaining limestone from off-site sources for years 41-120, Alternative 2 also includes greater environmental impacts related to air quality and greenhouse gases. For those reasons, approving Phases 1 and 2 of Alternative 1 as the 2020 Approved Project is the preferred alternative.

Findings Required by Other Laws and Regulations

This decision is consistent with the San Bernardino National Forest LMP. With regard to mining, the San Bernardino National Forest LMP provides the following direction:

- “Emphasize processing and administration of exploration and development proposals and operations while providing adequate protection of surface resources, wildlife habitat, scenery and recreation settings. (ME 1 – Minerals Management)
- Permits, leases, and Plans of Operation will require that adverse environmental effects are minimized, or mitigated, and that mined lands are reclaimed in a timely manner to regain surface production and use. Reasonable access for approved mineral operations will be allowed. The emphasis will be consistent with the requirements of the Carbonate Habitat Management Strategy to sustain mineral production by providing refugia for resource protection. (ME 1- Minerals Management and Lands 4 – Mineral Withdrawals)
- Staff expect to increase the carbonate plant habitat reserve by approximately 2,600 acres through land acquisition or exchange, allowing for future mining in other areas” (Lands 1 – Land Ownership Adjustment)

An analysis of the environmental effects of the Proposed Action was conducted in the EIR/EIS Chapters 3 and 4. Design Features have been incorporated into the Proposed Action to avoid or minimize adverse effects to the extent practicable (see Section 2.3.2.13 of the EIR/EIS). The Proposed Action includes quit-claim of approximately 540.4 acres of land to the Forest Service for inclusion in the Carbonate Habitat Reserve, an approximately 3 to 1 ratio. Under the Proposed Action, the EIR/EIS concluded the mineral withdrawal and quit-claim of approximately 540.5 acres of land would mitigate or ensure all impacts related to biological resources would be less than significant, except for the project-specific impacts related to the Cushenbury herd of Nelson’s bighorn sheep under both alternatives. Accordingly, if MCC extends mining operations beyond Phase 2 at some future time, consistent with Alternative 1, the 540.4-acre contribution will likely be considered sufficient to mitigate impacts to biological resources to a less than significant level (except for impacts related to the Cushenbury herd of Nelson’s bighorn sheep).

Amendment to SBNF Land Management Plan

The Forest Service’s planning regulations allow for amending a plan to adapt to new information or changing conditions. A plan amendment is required to add, modify, or remove plan components. The forest-wide scenery inventory included in the LMP was developed as a coarse-scale overview, with the understanding that it would be refined and expanded via project-level scenery analysis. Through the work produced on the project scale, sufficient detail has been added to the scenery inventory to more accurately establish Scenic Integrity Objectives that reflect and support the LMP’s desired conditions for the Proposed Action area (Proposed Action Area). The LMP Part 2 outlines the desired Proposed Action Area landscape character as follows:

Desert Rim Place – is maintained as a modified to natural appearing landscape that functions as a sanctuary for a large number of federally listed native plants and a highly valued area for limestone production...

Project Specific Amendment: I believe that my decision is consistent with the SBNF Forest Plan, with the following project specific amendment. The current Forest Plan Scenic Integrity Objectives (SIO) map, provided as Figure 2.3-1 in Section 2.3.2.1 of the Final EIR/EIS, identifies the regional setting in which the Proposed Action is located as a SIO ranking of “High.” However, the existing and historic landscape character of the region is inconsistent with a SIO ranking of High. Given past and present mining, the Project Area currently has baseline conditions that are more consistent with Low scenic integrity levels, and a project specific amendment will be made by the Forest Service to address this inconsistency. The purpose of the amendment is to bring the SIO designation in the Forest Plan, specific to the Proposed Action Area, into consistency with existing and proposed uses. The plan amendment in this decision applies to the South Quarry Proposed Action Area as evaluated under the Proposed Action in the EIR/EIS and is appropriate for all four phases of the Proposed Action. The plan amendment applies only to the footprint of the South Quarry project area (as detailed in the Proposed Action) and will not change existing LMP standards for any future projects outside of that area.

The amendment will be subject to pre-decisional administrative review under 36 CFR § 218 as part of the 2020 Approved Project, not the review process for forest service plans under 36 CFR § 219. When a plan amendment is made together with, and only applies to, a project or activity decision, the analysis prepared for the project or activity may serve as the documentation for the preliminary identification of the need to change the plan. (§ 219.13(b)(1)). The 2020 Approved Project, along with this project specific amendment, is consistent with the plan component requirements under 36 CFR § 219, including sustainability, diversity, multiple use, and timber. This documentation is found in the EIR/EIS Chapter 3.11, Scenery.

Administrative Adjustment to Carbonate Habitat Management Strategy

The Forest Service will process an administrative revision to the CHMS to (1) adjust the Stage 1 Priority Area boundaries to exclude 16 acres to be impacted by the 2020 Approved Project and add 85 acres representing that portion of the Habitat Contribution not within the Furnace Unit Stage 1 Priority Area, and (2) to shift the boundary line between the Furnace Unit and Helendale Unit so that the entirety of the Habitat Contribution is within the Furnace Unit. The CHMS allows the Forest Service to make administrative adjustments and modifications to the CHMS where such actions are consistent with the other provisions of the CHMS. I find that the proposed adjustment is consistent with the CHMS. The proposed adjustment to the CHMS boundaries results in the addition of approximately 85 acres of occupied and critical habitat to the Furnace Unit Stage 1 Priority Area and shifts approximately 572 acres of the Carbonate Habitat Management Area from the Helendale Unit to the Furnace Unit. These adjustments allow for the continued viability of the CHMS and potential for the Furnace Unit to be activated in the future through additional contributions of habitat.

Administrative Review Opportunities

Pursuant to NEPA, the Forest Service filed the Final EIR/EIS with the Environmental Protection Agency (EPA), which published a Notice of Availability (NOA) for the Final EIR/EIS in the Federal Register. Pursuant to 36 CFR § 218, a Legal Notice of a 45-day Opportunity to Object was published in the Newspaper of Record (San Bernardino Sun). After the Final EIR/EIS, Legal Notice, and NOA were published, there was a minimum 30-day period prior to issuing this ROD

informing the public of the final decision and identifying all alternatives considered in reaching the decision.

Implementation Date

The 2020 Approved Project is expected to begin implementation immediately following the signing of this Record of Decision.

Contact

For additional information concerning this decision, please contact:

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JODY NOIRON
Forest Supervisor, San Bernardino National Forest

Date